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GOVERNOR'S COUNCIL ON YOUTH SERVICES REORGANIZATION

SUMMARY OF RECOMMENDATIONS

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The recommendations of the Governor's Council on Youth Services Reorganization can be summarized as follows:

That a new department of family services be created to consolidate children and youth services (including child protective services, foster care, institutional services, aftercare services, and youth court probation services) with adult protective and aging services;

That this department be structured such that local input to decision-making and planning is a paramount requirement; and

That the department will be funded by current funding levels from current sources (federal, state, and county).

Specific recommendations are found in the next pages.

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V. RECOMMENDATIONS

This is a summary of the recommendations from the Council for Reorganization of Youth Services to the Governor. The narrative which puts these recommendations in context can be found in Section VI of this report.

A. ATTRIBUTES:

That the new structure for youth services have the following attributes to be most effective:

- a. decisions on service delivery and service availability should be closer to the local level
- b. funding decisions should be more closely linked to case decisions
- c. intake, or entry into the youth services system, should be centralized at the local level
- d. responsibility and authority for youth services should be in a single agency
- e. youth who are public responsibility should have equal access to services regardless of legal label
- f. there should be a single focal point for accountability and advocacy for youth services
- g. current sources and funding amounts should continue with any growth being the responsibility of the state
- h. the dispositional authority of the youth court must be balanced with the agency responsible for funding dispositional services
- i. children and youth services should be delivered from the same agency that deals with other family services

These attributes or tenants must be foremost in all development and implementation activities undertaken in this consolidation effort.

B. SCOPE OF RECOMMENDATIONS:

1. CLIENTS:

That the following youth are included in the scope of the reorganization plan:

- a. youth in need of care; referrals and adjudications
- b. youth in need of supervision; referrals & adjudications
- c. delinquent youth; referrals and adjudications
- d. emotionally disturbed youth as currently served by Mental Health Centers and the Montana Youth Treatment Center (there are other service providers for emotionally disturbed youth)
- e. alcohol and drug dependent youth as currently served by ADAD funded programs and SRS special appropriations for indigent youth in need of alcohol/drug services or any state and federal funds which might become available for these services.

(This recommendation does not expand the current responsibility of the government to serve to children and youth. The Council did, however, request the study and legislative proposals to address the needs of unserved and underserved emotionally disturbed children.)

2. SERVICES:

That all the services currently provided through child protective services, youth court/probation services, aftercare services, youth institutions, aftercare group homes, and the youth evaluation program be administered by a single agency. Those services include these functions for the client groups in Section B above:

- a. intake, investigation, case management, and client supervision
- b. out-of-home placements (foster care, group care, foster family care, shelter care, residential treatment)
- c. institutional services at Mountain View, Pine Hills, Montana Youth Treatment Center, and the Youth Evaluation Program

- d. other contracted services such as evaluations, in-home services, counseling, etc.
- e. current contracting for services to youth from state and federal mental health and alcohol/drug funding would not be separated out of the current contracting procedures, but would be influenced by the single youth services agency
- f. day care
- g. adoption
- h. licensure of foster homes, group homes, child care facilities, residential treatment, public institutions, day care homes and centers
- i. prevention services such as Big Brothers/Sisters and activities funded through child abuse grants and the Children's Trust Fund
- j. That the aftercare function be combined with the youth/court probation function.

C. ORGANIZATIONAL STRUCTURE:

1. DEPARTMENT:

a. That the new Youth Services Agency be a new department which consolidates all the services and clients mentioned above. This requires the consolidation of the youth institutional programs, the child protective services program, the aftercare program, and the youth court probation services.

b. The Council is also recommending that the adult protective services program and the aging services program not be separated from child protective services for two reasons: 1) to retain the current protective services staff who serve both children and adults in many rural communities, and 2) to retain family related services within the same department.

2. STATE FUNCTIONS:

That the critical functions that require state level authority would include:

- a. standard setting
 - * licensing of placement options
 - * contracted services

- * training
- * personnel classification, qualification, pay
- * public institutions and services
- b. licensure and certification
- c. provision of services in state institutions
- d. program and case consultation to local offices and providers
- e. planning assistance to the local planning councils
- f. review local service area plans
- g. approve plans and anticipated expenditure levels of the local service areas
- h. training of direct service staff and providers
- i. quality control and monitoring
- j. development of an overall state youth services plan and budget
- k. research and planning
- l. rate-setting

INTERAGENCY AGREEMENT ON SERVICES TO EMOTIONALLY DISTURBED: That an interagency agreement between the appropriate agencies should be developed to assure efficiency and avoid overlap in services for the emotionally disturbed provided by the Department of Institutions through its contracts with Mental Health Centers, the Office of Public Instruction under P.L. 94-142, and the new youth services agency.

3. STATE PLANNING:

a. That the new state youth services department utilize the Youth Justice Council as a state level youth services planning group. The Youth Justice Council membership will require alteration in order to adequately represent the child protective services, domestic violence, emotionally disturbed, and alcohol/drug dependent services.

b. That the new Department develop a statewide services and resource allocation plan that encompasses the local needs and plans as developed by the local youth services councils.

4. LOCAL FUNCTIONS:

That functions at the local level would include:

- * conducting central intake
- * providing case management
- * purchasing, authorizing, or providing direct services
- * developing an annual service plan with the local planning council
- * monitoring local providers and contracts
- * licensing of day care and foster family care

5. LOCAL CENTRALIZED INTAKE: That the local level of the new Department for youth services (child protective services, youth probation, and aftercare) develop and maintain centralized intake and an interdisciplinary placement review.

6. LOCAL GEOGRAPHIC SERVICE AREAS: That the new Department be organized locally around judicial district boundaries to encourage effective, consistent relationships between the new department and the district court. This would also provide less disruption of the youth court/probation staff around the state. Those staffs could continue to serve the same geographic areas. Although there are 20 judicial districts, the realistic number of local service areas is between ten and fourteen; some service areas will encompass more than one judicial district.

7. LOCAL PLANNING:

a. That the Director of the new Department use local youth services planning boards within each multi-county service area to ensure a broad based community plan with community-based support and to develop a local plan for children and youth services for their area.

b. That the local youth services planning boards be advisory in capacity, have about seven members, and be appointed by the Department (3), the county commissioners (2), and the youth court (2). Members of the planning councils must not be employees of or contractors with the Department.

8. LOCAL INPUT:

a. That the new Department adopt procedures which will provide direct local input into financial decisions effecting

service availability or priorities. Use of the local service area plans developed by the local planning councils will be considered by the Department Director.

b. There must be a continued effort to link this new Department with local government and all local youth services in order to provide local input to the Department's decision-making processes.

9. JUDGES' AUTHORITY:

That the youth court judges' authority to commit a youth to a specific facility be as follows:

a. That the youth court judge can commit a child or youth to the new department for placement or services with the discretion as to the specific placement or services left to the new Department staff.

b. That, in the case of a delinquent child determined by the youth court to have committed a crime against a person or to be a persistent felony property offender, the youth court judge can commit the delinquent youth to the new department with the stipulation of a secure placement.

c. That the new Department must obtain court approval to place a youth in a secure placement unless the court order committing the youth to the Department gave the Department that authority.

d. In the case of evaluations, the youth court can order the youth to the custody of the new department for the purpose of an evaluation. The place and manner of conducting with the location of the evaluation shall be at the discretion of the new Department. If the Department determines that the evaluation must be performed in a secure setting, court approval is required.

10. DEVELOPMENT OF EVALUATION SERVICES: That the intent of recommending that the new department have the discretion of the method and location of evaluations (recommendation # I.3) is to promote the development of appropriate community evaluation services and to appropriately limit the use of Mountain View School and Pine Hills School for evaluation purposes. See Recommendation #9d above.

11. PERSONNEL: That the incumbent youth court probation officers pay, benefits, and tenure status be taken into consideration when the new Department's pay and classification system is established.

D. FUNDING/FINANCING:

1. BUDGET CONSOLIDATION: That the new department be funded by:

- * SRS/Child Protective Services: federal/state funding for CPS state administration/management, district office supervision/management, and direct services as well as the child abuse grants, prevention contracts such as Big Brothers/Sisters, etc.
- * SRS/Foster Care: federal/state funding for foster care/residential treatment
- * Department of Institutions: state funding for Mountain View School, Pine Hills School, Youth Evaluation Program, four Aftercare group homes, Aftercare counselors, and administration
- * County: the 1986 level of county expenditures for SRS match for CPS workers, administration, travel, and foster care/residential treatment as well as the 1987 budgeted level for youth court/probation services (professional and management staff, support staff, administration, any client benefits, and travel; this does not include any local funding for detention services)
- * Other: other funding in SRS Community Services Division such as domestic violence, refugee services, and all state, federal, and county funding for Adult Protective Services and Aging programs.

(Adult protective services and Aging programs are included in the recommendations to avoid separation of child and adult protective services.)

2. COUNTY BILLING: That the counties be billed twice per year for their portion of the program costs.

See Narrative for discussion of a local mill levy.

3. COUNTY AND STATE FINANCIAL RESPONSIBILITY:

a. That counties have the discretion to authorize expenditures for children and youth services locally above the mandatory FY1987 budgeted level.

(This will allow a county to authorize expenditures above the required level of their 1987 budget for children and youth

service in their communities if so desired, i.e. start-up funding for a group home.)

b. That any expansion or inflation necessary for mandatory or state required services be born by the state through state legislative appropriation.

(These two recommendations maintain current level of effort without limiting the counties to current level while continuing to fund required services from the state level.)

4. FLEXIBILITY OF FUNDS BETWEEN INSTITUTIONS AND COMMUNITY BASED PLACEMENT SERVICES: That the new Department be given the same type of unlimited authority to transfer funds between institutional services, placement services (foster care), and direct services as the Department of Institutions has currently.

(This will allow funds to follow children and youth into community based facilities or institutions and allow flexibility within the budget to alter the funding influence on some placement practices.)

5. MENTAL HEALTH FUNDING PRIORITIES: That the new Department be required to provide recommendations to the Department of Institutions on services priorities for children and youth to be served under the Mental Health Center contracts.

6. PARENTS' ABILITY TO PAY: That the district court be required by statute to include in its commitment orders to the new Department, an order for the parents to contribute a specific amount based upon ability to pay to the care and treatment of their child.

(The amount would be determined through a procedure specified in the administrative rules of the new Department. Both SRS and Department of Institutions have procedures in place. The court order requiring payment is very helpful in collecting. This recommendation would allow the Department to seek parental contributions for their children placed in Pine Hills School and Mountain View School.)

E. OTHER RECOMMENDATIONS

1. TRANSFER PROCEEDINGS: That the Transfer Proceedings Act (41-5-206 MCA) be reviewed and revised as it currently allows an excessive amount of time to pass before actual transfer of youth to adult court occurs.

(Review and proposal could be accomplished by the Youth Justice Council or the County Attorneys Association.)

2. DEFINITIONS:

a. That immediate study of the definitions of youth in need of care, youth in need of supervision, delinquent youth, emotionally disturbed youth, and the "youth in need of services" concept be required of the new department for proposed legislation no later than the 1989 Legislative Session.

b. That this study include the further coordination and consolidation of services to emotionally disturbed and alcohol/drug dependent children, specifically the federal regulations on the ability of the state to split the administration of the Mental Health Block Grant.

c. That the Youth Justice Council also be requested to develop a legal definition of emotionally disturbed youth and propose legislation which would allow the new Department the discretion to serve those youth within the current resources.

3. DETENTION: That, when the issue of assigning responsibility for juvenile detention is resolved, authority for placement and responsibility for payment must be fixed with a single agency.

(This would then be consistent with the attempts of this Council to keep responsibility, authority, and funding within the same agency; this recommendation does not acknowledge a preference to local or state government.)

